

REMARKS

The Examiner is thanked for the due consideration given the application.

Claims 1-11 and 13-31 are pending, of which claims 1-11 and 16 are withdrawn. Independent claim 13 is amended and claims 28-31 are newly presented. Support for the amended claim set can be found in corresponding U.S. Publication 2006/0121345 in paragraph [0039] and in paragraphs [0100] and [0106] (Experiments 1 and 2).

No new matter is believed to be added to the application by this amendment.

Statement of Substance of Interview

The Examiner is thanked for graciously conducting a personal interview with the applicant's representative on June 24, 2010. During the interview, clarified photomicrographs were presented to the Examiner so as to elucidate the concept of "continuously" in the claims, which now appears to be acceptable. The patentability of the present invention over the Kawakami reference was also discussed, along with claim amendments to better define the present invention over this reference.

At the end of the interview the Examiner prepared an interview summary. The interview summary has been reviewed, and it appears to accurately reflect the substance of the interview.

Rejection Under 35 USC §112, First Paragraph

Claim 13 has been rejected under 35 USC §112, first paragraph as failing to comply with the written description requirement. This rejection is respectfully traversed.

The Official Action asserts that there is insufficient support for describing the electrically conductive metallic material which is deposited on the active material particles to be "continuously" filled in, e.g., Figures 8, 10 and 11.

But consider the annotated copies of Figures 8, 10 and 11, which were presented at the interview:

Fig. 8

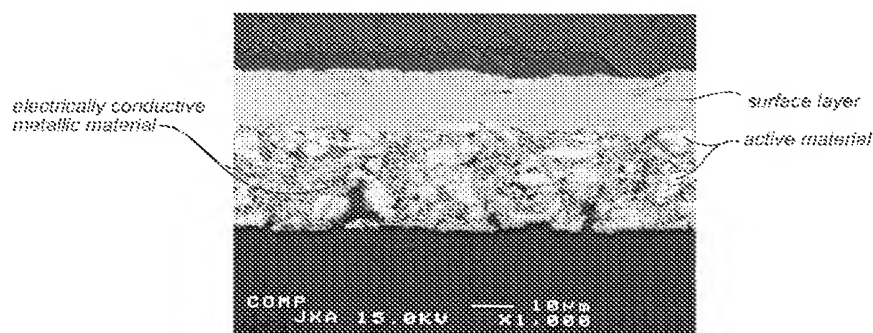


Fig. 10

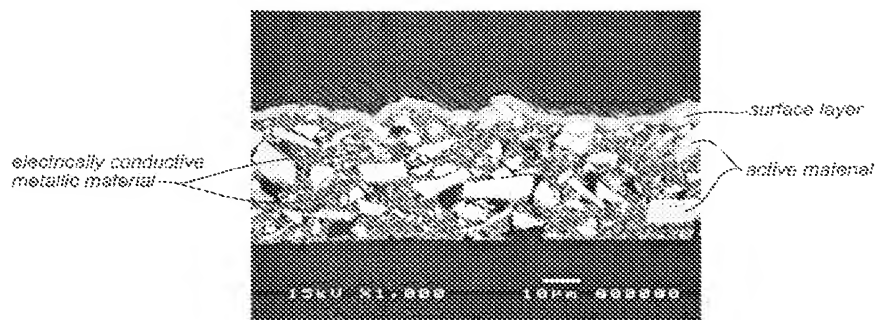
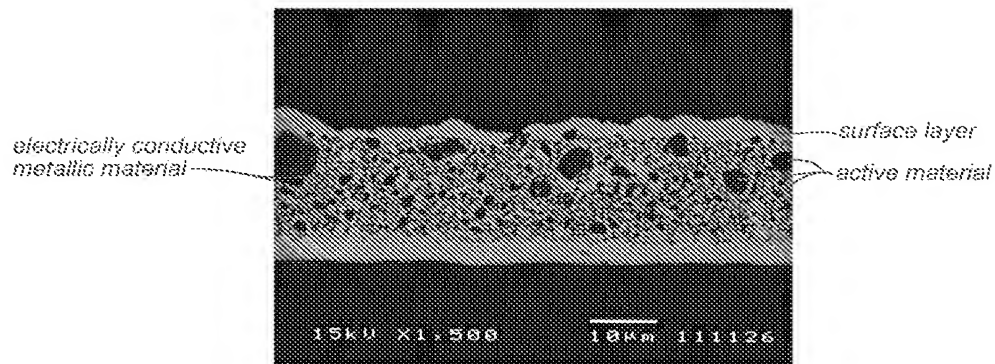


Fig. 11



From these, it is clear that the “continuous” limitation was fully described in the disclosure.

This rejection is believed to be overcome, and withdrawal thereof is respectfully requested.

Rejections Based on Kawakami

Claims 13, 14 and 17-27 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,051,340 to Kawakami et al. (“Kawakami”).

Claim 15 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Kawakami in view of U.S. Patent No. 5,147,739 to Beard.

Applicants respectfully traverse.

At page 3 the Office Action refers to Figures 4(a) to 4(d) of Kawakami, which are reproduced below.

FIG. 4(a)

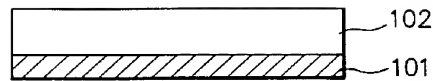


FIG. 4(b)

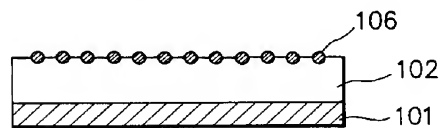


FIG. 4(c)

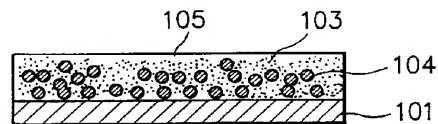
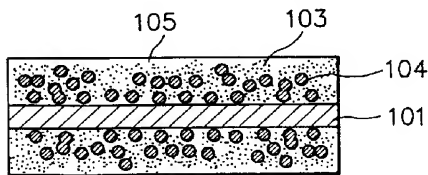


FIG. 4(d)



Based on these drawing figures, the Office Action at page 3 compared the present invention and Kawakami, asserting that the powdery material containing a non-alloyable metal and non metal taught in Kawakami is the same as an electrically conductive metallic material which is deposited on the active material particles of the present invention.

However, the present invention is different from Kawakami in the active material particles are penetration plated with an electrically conductive metallic material, as is set forth in instant claim 13.

An additional difference between Kawakami and the present invention resides in that the active material particles are small and the electrically conductive particles 104 are large in Kawakami. In contrast, the present invention utilizes active material particles that are larger than the electrically conductive material (see the newly added claims), as are shown for example in annotated Figure 10 above.

Additional distinctions of the present invention over Kawakami are of record in the application which, for brevity, are not repeated here.

Kawakami thus does not set forth each and every element of claim 13 of the present invention. Kawakami accordingly does not anticipate claim 13 of the present invention. Claims depending upon claim 13 are patentable over Kawakami for at least the above reasons.

Further, the Official Action admits that Kawakami is silent towards a metallic lithium layer being provided between the conductive foil and the active material layer. The Official Action relies on Beard in an attempt to cure the admitted deficiencies of Kawakami.

However, Beard does not address the deficiencies of Kawakami discussed above.

One of ordinary skill and creativity would thus not produce claim 15 of the present invention from a knowledge of

Kawakami and Beard. A *prima facie* case of unpatentability has thus not been made.

These rejections are believed to be overcome, and withdrawal thereof is respectfully requested.

Conclusion

The rejections are believed to be overcome, obviate or rendered moot. As no issues remain, the issuance of a Notice of Allowability is respectfully solicited.

Please charge the fee of \$208.00 for the extra dependent claims added herewith to our credit card set forth in the attached Credit Card Payment Form.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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